

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ANTHONY WILSON and)
KIMBERLY WILSON, the parents of)
Martez Wilson,)

Plaintiffs)

v.)

CITY OF DOUGLASVILLE, GA,)
OFFICER COYLEE DANLEY, in his)
individual capacity, OFFICER)
ANDREW SMITH, in his individual)
capacity, SGT. CALDWELL, in his)
individual capacity, EMT SEAN)
FLACK, in his individual capacity,)
PARAMEDIC BRIAN)
PORTERFIELD, in his individual)
capacity,)

Defendants.)

CIVIL ACTION FILE NO.
1:17-cv-00634-ELR

**DEFENDANTS CITY OF DOUGLASVILLE, GEORGIA AND OFFICER
COYLEE DANLEY'S INITIAL AND EXPERT DISCLOSURES**

(1) If the defendant is improperly identified, state defendant's correct identification and state whether defendant will accept service of an Amended Summons and Complaint reflecting the information furnished in this disclosure response.

Disclosure:

These defendants do not contend that they have been improperly identified.

(2) Provide the names of any parties whom defendant contends are necessary parties to this action, but who have not been named by plaintiff. If defendant contends that there is a question of misjoinder of parties, provide the reasons for defendant's contention.

Disclosure:

No such unnamed parties are known to these defendants at this time.

(3) Provide a detailed factual basis for the defense or defenses and any counterclaims or cross claims asserted by the defendant in the responsive pleading.

Disclosure:

On March 3, 2015, defendants Danley and Smith were dispatched in response to a commercial burglary in progress, after which the suspects fled the scene. Following a search for the burglary suspects in the surrounding area, Danley found Wilson lying in a driveway located at 8465 Lynn Avenue with his pants down around his ankles, and based on the description of the burglary suspects, determined that Wilson was one of the suspects and arrested Wilson on the charge of burglary. At the time of his arrest, Wilson was conscious, alert, and breathing, and was uncooperative when Danley attempted to escort him to his patrol vehicle.

Wilson began to state that he was having difficulty breathing. In response to Wilson's medical complaints, within five (5) minutes of Wilson's arrest, Smith requested the assistance of EMTs to evaluate Wilson's complaints regarding his breathing. EMTs Porterfield and Flack arrived at the scene and evaluated Wilson, who was sitting upright in the back seat of a patrol vehicle. Based on their physical evaluation of Wilson, including taking an O2 saturation reading which revealed normal levels, the EMTs determined that there was no evidence that Wilson was experiencing respiratory problems and advised Danley and Smith that Wilson was medically cleared for transport to the jail. Upon their arrival at the jail, it was discovered that Wilson was unresponsive and was not breathing. Wilson's autopsy reveals that the cause of death was exercise-induced sickle cell crisis resulting from Wilson's flight on foot after the attempted burglary, which lowered Wilson's threshold to develop sickling thereby leading to a sudden death.

These defendants assert that the complaint fails to state a claim against them upon which relief can be granted. These defendants further submit that they did not violate the constitutional or other rights of plaintiffs or plaintiffs' decedent in any manner. The individually-named defendant(s) assert the defenses of qualified immunity with respect to all federal claims asserted against them and official function, discretionary immunity with regard to any state law claims. These defendants further assert that no policy statement, custom, practice, regulation, or

usage of Douglasville was the moving force of any alleged violation of plaintiff's constitutional or other federal rights, and that Douglasville breached no legal duty owed to plaintiff, under the Constitution and laws of the United States, the Constitution and laws of the State of Georgia or otherwise.

(4) Describe in detail all statutes, codes, regulations, legal principles, standards and customs or usages, and illustrative case law which defendant contends are applicable to this action.

Disclosure:

42 U.S.C. § 1983; 42 U.S.C. § 1988; FOURTH AMENDMENT to the UNITED STATES CONSTITUTION; FOURTEENTH AMENDMENT to the UNITED STATES CONSTITUTION; *Monell v N.Y. Dept. of Soc. Services*, 436 U.S. 658 (1978); *Illinois v. Gates*, 462 U.S. 213, 103 S. Ct. 2317 (1983); *City of Los Angeles v. Heller*, 475 U.S. 796, 106 S. Ct. 1571 (1986); *Graham v. Connor*, 490 U.S. 386, 109 S. Ct. 1865 (1989); *Ashcroft v. Al-Kidd*, 563 U.S. 731, 131 S.Ct. 2074 (2011); *Gold v. City of Miami*, 151 F.3d 1346 (11th Cir. 1998); *Franklin v. Consolidated Government of Columbus*, 236 Ga. App. 468, 512 S.E.2d 352 (1999); *Post v. City of Fort Lauderdale*, 7 F.3d 1552 (11th Cir. 1993); *Kline v. KDB, Inc.*, 295 Ga. App. 789, 673 S.E.2d 516 (2009).

These defendants reserve the right to supplement this list during the course of discovery herein.

(5) Provide the name and, if known, the address and telephone number of each individual likely to have discoverable information that you may use to support your claims or defenses, unless solely for impeachment, identifying the subjects of the information. (Attach witness list to Initial Disclosures as Attachment A.).

Disclosure: See Attachment A.

(6) Provide the name of any person who may be used at trial to present evidence under Rules 702, 703 or 705 of the Federal Rules of Evidence. For all experts described in Fed. R. Civ. P. 26(a)(2)(B), provide a separate written report satisfying the provisions of that Rule. (Attach expert witness list and written reports to Initial Disclosures as Attachment B.)

Disclosure:

No such experts have been retained by these defendants at the present time.

(7) Provide a copy of, or description by category and location of, all documents, data compilations or other electronically stored information, and tangible things in your possession, custody, or control that you may use to support your claims or defenses unless solely for impeachment, identifying the subjects of the information. (Attach document list and descriptions to Initial Disclosures as Attachment C).

Disclosure: See Attachment C.

(8) In the space provided below, provide a computation of any category of damages claimed by you. In addition, include a copy of, or describe by category and the location of, the documents or other evidentiary material, not privileged or protected from disclosure on which such computation is based, including materials bearing on the nature and extent of injuries suffered, making such documents or evidentiary material available for inspection and copying under Federal Rule Civil Procedure 34. (Attach any copies and descriptions to Initial Disclosure as Attachment D.)

Disclosure: Not applicable.

(9) If defendant contends that some other person or legal entity is, in whole or in part, liable to the plaintiff or defendant in this matter, state the full name, address and telephone number of such person or entity and describe in detail the basis of such liability.

Disclosure: Not applicable.

(10) Attach for inspection and copying as under Fed. R. Civ. P. 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments to satisfy the judgment. (Attach copy of insurance agreement to Initial Disclosures as Attachment E.)

Disclosure: A copy of the declaration page for the applicable coverage agreement between Douglasville and the Georgia Interlocal Risk Management Agency will be produced upon reasonable notice to Douglasville's counsel.

The undersigned, in accordance with L.R. 7.1 and 5.1 hereby certifies that the typefont used herein is 14-Point Times New Roman font.

This 31st day of May, 2017.

/s/ Dianna J. Lee
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Dianna J. Lee
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ATTACHMENT A
DEFENDANTS' INITIAL AND EXPERT DISCLOSURES

The following individuals have or may possess information regarding the incident described in the Complaint:

1. Coylee Danley; Douglasville Police Department;
2. Andrew Smith; Douglasville Police Department;
3. Sgt. R. Caldwell; Douglas County Sheriff's Office;
4. Sgt. A. Sanders; Douglasville Police Department;
5. Officer Dukes; Douglasville Police Department;
6. EMT Sean Flack; Douglas County Fire Department;
7. Paramedic Brian Porterfield; Douglas County Fire Department;
8. Richard Stanley Glowacki, Jr.; Douglas County Fire Department;
9. Eric W. Carmack; Douglas County Fire Department;
10. Kimberley Ann Giudici; Douglas County Fire Department;
11. Medical Examiner preparing the autopsy report;
12. Carlos Burroughs;
13. Adonis Butler; and
14. All persons identified in any party's initial and expert disclosures herein or during the course of discovery herein.

Defendants reserve the right to supplement this list as discovery progresses.

ATTACHMENT C
DEFENDANTS' INITIAL AND EXPERT DISCLOSURES

1. Douglasville Police Department incident report(s);
2. GBI investigative case file and all supplemental documents included therein;
3. CAD Reports;
4. EMS Statements;
5. Wilson's autopsy report;
6. Dashcam footage from Officer Danley's Patrol Vehicle;
7. Dashcam footage from Officer Smith's Patrol Vehicle;
8. Dashcam footage from Officer Dukes' Patrol Vehicle;
9. Dashcam footage from Sgt. Sanders' Patrol Vehicle;
10. Surveillance video at the jail;
11. Officer Danley's personnel file as maintained by the Douglasville Police Department;
12. Officer Smith's personnel file as maintained by the Douglasville Police Department; and
13. Douglasville Police Department's standard operating procedures.

These defendants reserve the right to supplement this Attachment as discovery progresses.

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CITY OF DOUGLASVILLE, GA,
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CERTIFICATE OF SERVICE

I hereby certify that I have this date electronically filed the foregoing
**DEFENDANT CITY OF DOUGLASVILLE'S AND OFFICER COYLEE
DANLEY'S INITIAL AND EXPERT DISCLOSURES** with the Clerk of the
Court using the CM/ECF system which will automatically send email notification
of such filing to the following attorneys of record:

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Attorney for Caldwell

This 31st day of May, 2017.

/s/ Dianna J. Lee
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